

1 Mark C. Fields (#100668)
2 Law Offices of Mark C. Fields, APC
3 333 So. Hope Street, 35th Floor
4 Los Angeles, California 90071
5 Tel: (213) 617-5225
6 Fax: (213) 629-4520
7 Email: fields@markfieldslaw.com

8 Attorneys for Defendants Angelo Ferrara and
9 N.F. (appearing through [Proposed]
10 Guardian Ad Litem, Leonora Ferrara)

11 Attorney for Defendants
12 Angelo Ferrara and N.F.

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
15

16 CORY SPENCER, an individual;
17 DIANA MILENA REED, an
18 individual; and COASTAL
19 PROTECTION RANGERS, INC., a
20 California non-profit public benefit
21 corporation;

22 Plaintiffs,

23 v.

24 LUNADA BAY BOYS; THE
25 INDIVIDUAL MEMBERS OF THE
26 LUNADA BAY BOYS, including but
27 not limited to SANG LEE, BRANT
28 BLAKEMAN, ALAN JOHNSTON aka
JALIAN JOHNSTON, MICHAEL
RAE PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
CHARLIE FERRARA, and N.F.; CITY
OF PALOS VERDES ESTATES;
CHIEF OF POLICE JEFF KEPLEY, in
his representative capacity; and DOES 1
– 10,

Defendants.

Case No. 2:16-cv-2129
Assigned to Courtroom: 1
The Hon. S. James Otero

**NOTICE OF MOTION AND
MOTION BY DEFENDANTS
ANGELO FERRARA AND N.F. TO
DISMISS FOR LACK OF SUBJECT
MATTER JURISDICTION;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

[Fed. Rules Civ. Proc., Rule 12(b)(1)]

[Concurrently lodged: Declaration of
Mark C. Fields; Notice of Interested
Parties; Proposed Order]

Date: August 1, 2016
Time: 10:00 a.m.
Place: Courtroom No. 1
Second Floor
312 North Spring Street
Los Angeles, California 90012

Action Commenced: 3/29/16

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on August 1, 2016, at 10:00 a.m., or as soon
3 thereafter as the matter may be heard by the Hon. S. James Otero, United States
4 District Court Judge, in Courtroom No. 1 of the above-indicated United States
5 District Court, located at 312 North Spring Street, Second Floor, Los Angeles,
6 California 90012, Defendants Angelo Ferrara and N.F. will and hereby do move the
7 Court to dismiss this action pursuant to Rule 12(b)(1) of the Federal Rules of Civil
8 Procedure due to lack of subject matter jurisdiction.

9 This Motion is made on the same grounds as previously set forth in the
10 Motions To Dismiss previously filed by all the other Individual Defendants who
11 have been served with the Summons and Complaint in this action: Michael Ray
12 Papayans; Alan Johnston, aka Jalian Johnston; and, Brant Blakeman.

13 For the sake of the rainforests and of judicial economy, this Motion and
14 following Memorandum will not repeat the arguments set forth in the three
15 previously filed Motions to Dismiss, but rather joins in and incorporates such
16 arguments. *Vasquez . Central States Joint Bd.*, 447 F. Supp.2d 833, 867 (N.D. Ill.
17 2008).

18 This Motion is made following the conference of counsel pursuant to Local
19 Rule 7-3 which took place on June 17, 2016.

20 This Motion is based upon and supported by this Notice, the attached
21 Memorandum of Points and Authorities, the concurrently lodged proposed Order,
22 complete pleadings and records on file herein, including the Complaint and the three
23 prior Motions to Dismiss by Individual Defendants, and on such other evidence or
24 argument as may be presented at or before the hearing.

25 ///

26 ///

27

28

1 Dated: June 24, 2016

LAW OFFICES OF MARK C. FIELDS, APC

2
3
4 By

Mark C. Fields

Attorneys for Defendants Angelo Ferrara and
N.F. (appearing through [Proposed] Guardian Ad
Litem, Leonora Ferrara)

MEMORANDUM OF POINTS AND AUTHORITIES

For purposes of this Motion To Dismiss For Lack Of Subject Matter Jurisdiction (which assumes the truth of the allegations of the Complaint), Defendants Angelo Ferrara and N.F. stand in the same factual and legal position as the three Individual Defendants who have previously filed three separate Motions To Dismiss. For that reason, Defendants Angelo Ferrara and N.F. rather than repeat such facts and present such arguments, hereby incorporates the arguments set forth in such previously filed Motions To Dismiss and joins in such Motions To Dismiss. *Vasquez . Central States Joint Bd.*, 447 F. Supp.2d 833, 867 (N.D. Ill. 2008).

Dated: June 24, 2016

LAW OFFICES OF MARK C. FIELDS, APC



By

Mark C. Fields
Attorneys for Defendants Angelo Ferrara and
N.F. (appearing through [Proposed] Guardian Ad
Litem, Leonora Ferrara)